

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LINCOLN D. LEVYS,)	
)	2:16cv1820
Plaintiff,)	Electronic Mail
)	
v.)	Judge David Stewart Cercone/
)	Chief Magistrate Judge Maureen P. Kelly
JEFFREY MANNING <i>Court of Common</i>)	
<i>Pleas Judge Individual and Official Capacity</i>)	
<i>at all times mentioned,</i>)	
)	
Defendant.)	

MEMORANDUM ORDER

The above-captioned prisoner civil rights complaint was received by the Clerk of Court on December 6, 2016, and was referred to Chief United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

Chief Magistrate Judge Kelly, in a Report and Recommendation (the "Report"), ECF No. 6, filed on December 16, 2016, recommended that the Complaint be dismissed pre-service pursuant to the Prison Litigation Reform Act for failure to state a claim upon which relief can be granted. Service of the Report was made on the Plaintiff at his address of record. Plaintiff was given until January 3, 2017 to file any objections. Plaintiff's objections were docketed on December 29, 2016. ECF No. 8. The Court finds that none of the objections merits rejection of the Report or extended comment.

Plaintiff complained that the Honorable Jeffrey Manning violated Plaintiff's rights when as a result of a bond modification hearing, Judge Manning ordered that Plaintiff be kept in "solitary confinement" with no outside contact permitted at the Allegheny County Jail based on a report that Plaintiff had caused his sister to contact Plaintiff's wife, who had a protection from abuse order issued against Plaintiff. The Report found that Plaintiff's civil rights claim against

Judge Manning was barred by two independent legal doctrines: 1) the doctrine of absolute judicial immunity and 2) the Rooker-Feldman doctrine.

In his Objections, Plaintiff argues only that Judge Manning is not entitled to absolute judicial immunity. Even if we were to find Plaintiff's arguments persuasive as to the judicial immunity argument, the Complaint would still be dismissible pursuant to the Rooker-Feldman doctrine. Nevertheless, we do not find Plaintiff's arguments regarding the Report's conclusions concerning Judge Manning's entitlement to absolute judicial immunity persuasive. Therefore, Plaintiff's Objections are overruled.

Accordingly, after *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of January, 2017;

IT IS HEREBY ORDERED that the Complaint is dismissed with prejudice pursuant to the Prison Litigation Reform Act for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Report and Recommendation, ECF No. 6, filed on December 16, 2016, by Chief Magistrate Judge Kelly, is adopted as the opinion of the Court. The Clerk is to mark the case CLOSED. Lastly, the Court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from this order would not be taken in good faith.



David Stewart Cercone
United States District Judge

cc: The Honorable Maureen P. Kelly
Chief United States Magistrate Judge

Lincoln D. Levys
Inmate #175271
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219
(Via First Class Mail)